

EDWARD O. LEAR, State Bar No. 132699
CENTURY LAW GROUP LLP
5200 W. Century Blvd. #345
Los Angeles, CA 90045
Phone (310) 642-6900
Fax (310) 642-6910

Attorney for Plaintiff
Kristen Roland

Filed

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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ADR

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

KRISTEN ROLAND, an individual,

Plaintiff,

v.

EXPERIAN INFORMATION
SOLUTIONS, INC.; TRANS UNION,
L.L.C.; EQUIFAX INFORMATION
SERVICES, L.L.C.;

Defendants.

Case No.

CV 12-01061

HRL

**COMPLAINT FOR VIOLATIONS
OF FAIR CREDIT REPORTING
ACT (15 U.S.C. § 1681) AND
CALIFORNIA CONSUMER
CREDIT REPORTING AGENCIES
ACT (CIVIL CODE §§ 1785.1 ET
AL.)**

- 1. FAILURE TO ESTABLISH
PROPER PROCEDURES (15
U.S.C. § 1681e)**
- 2. FAILURE TO
REINVESTIGATE (15 U.S.C. §
1681i)**

COMES NOW the Plaintiff, Kristen Roland, (hereinafter "Ms. Roland"
and/or "Plaintiff") by counsel, and for her complaint against Defendant, alleges as
follows:

JURISDICTION AND VENUE

- This is an action for actual, statutory, and punitive damages, costs, and
attorney's fees brought pursuant to 15 U.S.C. § 1681 *et seq.* (Federal Fair Credit

1 Reporting Act).

2 **PARTIES**

3 2. The jurisdiction of this Court is conferred by 15 U.S.C. § 1681(p) and
4 28 U.S.C. § 1367.

5 3. The Plaintiff is a natural person and resident of California. Plaintiff is
6 a “consumer” as defined by 15 U.S.C. § 1681a(c).

7 4. Upon information and belief, Defendant EXPERIAN INFORMATION
8 SOLUTIONS, INC. (hereinafter “Experian”) is a corporation incorporated under
9 the laws of the State of Texas authorized to do business under the laws of the State
10 of California through its registered offices at 475 Anton Boulevard, Costa Mesa
11 California 92626.

12 5. Upon information and belief, Experian is a “consumer reporting
13 agency”, as defined in 15 U.S.C. § 1681(f). Upon information and belief, Experian
14 is regularly engaged in the business of assembling, evaluating, and disbursing
15 information concerning consumers for the purpose of furnishing consumer reports,
16 as defined in 15 U.S.C. § 1681(d) to third parties.

17 6. Upon information and belief, Experian disburses such consumer
18 reports to third parties under contract for monetary compensation.

19 7. Upon information and belief, Defendant EQUIFAX INFORMATION
20 SERVICES, L.L.C. (hereinafter “Equifax”) is a corporation incorporated under the
21 laws of the State of Georgia authorized to do business under the laws of the State of
22 California through its registered offices at 1550 Peachtree Street, Northwest,
23 Atlanta, Georgia 30309.

24 8. Upon information and belief, Equifax is a “consumer reporting
25 agency”, as defined in 15 U.S.C. § 1681(f). Upon information and belief, Experian
26 is regularly engaged in the business of assembling, evaluating, and disbursing
27 information concerning consumers for the purpose of furnishing consumer reports,
28 as defined in 15 U.S.C. § 1681(d) to third parties.

1 9. Upon information and belief, Equifax disburses such consumer reports
2 to third parties under contract for monetary compensation.

3 10. Upon information and belief, Defendant TRANS UNION, L.L.C.
4 (hereinafter individually "Trans Union" and collectively with Experian and Equifax
5 the "CRA's") is a business entity organized under the laws of Delaware authorized
6 to do business under the laws of the State of California through its registered offices
7 at 555 W Adams Street, Chicago, IL 60661.

8 11. Upon information and belief, Trans Union is a "consumer reporting
9 agency", as defined in 15 U.S.C. § 1681(f). Upon information and belief, Trans
10 Union is regularly engaged in the business of assembling, evaluating, and
11 disbursing information concerning consumers for the purpose of furnishing
12 consumer reports, as defined in 15 U.S.C. § 1681(d) to third parties.

13 **ALLEGATIONS COMMON TO ALL CLAIMS**

14 *Plaintiff's Bankruptcy*

15 12. On or about October 10, 2005, Plaintiff filed for bankruptcy under
16 Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy
17 Court for District of Oregon in the case entitled *In re Kristen Roland*, Bankruptcy
18 No. 05-44005-elp7 (hereinafter the "Bankruptcy").

19 13. The Bankruptcy included the following relevant creditors: Capital One
20 Bank (hereinafter "Cap One"); Chase Bank, Chase Bank, N.A., and Chase Home
21 Finance (hereinafter, collectively "Chase"); HSBC/Best Buy (hereinafter
22 "HSBC/BSBUY"); SST/Columbus Bank & Trust (hereinafter "SST/CIG").
23 Collectively, Cap One, Chase, HSBC/BSBUY, Les Schwab, CLMBA Collection
24 Service, Atlas Financial, EOS CCA and SST/CIG are the "Creditors".

25 14. On or about January 25, 2006, the Bankruptcy Court entered an order
26 of discharge pursuant to section 727 of title 11 of the United States Code (the
27 Bankruptcy Code), which discharged the debts held by the Creditors.

28 15. No motion for relief from stay was ever entered in the Bankruptcy. As

such, an automatic stay was in effect from the filing date, October 10, 2005, through the date the Bankruptcy Court entered the order of discharge, January 25, 2006.

Inaccurate Reported Credit Entries

16. In their credit reports regarding Plaintiff, all three CRA's include entries from creditors Cap One, Chase, HSBC/BSBUY and SST/CIG, Les Schwab, CLMBA Collection Service, Atlas Financial, and EOS CCA that reported Plaintiff's credit accounts as being 30, 60, and 90 days past even though said accounts had been discharged in the Bankruptcy according to Plaintiff's Credit Report. See Credit Report attached hereto as Exhibit "A", pp. 2- 5.

17. The CRA's includes the following erroneous information in Plaintiff's credit report regarding her accounts with the Creditors, which were discharged through the Bankruptcy:

Creditor	CRA	Acct. No.	Reported Inaccurate Information
LES SCHWAB	TU	...2430	<ol style="list-style-type: none"> 1. Inaccurately reports "collection account" when debt was discharged in bankruptcy. 2. Inaccurately reports "past due" amounts when debt was discharged in bankruptcy.
CLMBA COL SV	EFX, XPN, TUC	...2672	<ol style="list-style-type: none"> 1. Inaccurately reports "collection account" when debt was discharged in bankruptcy. 2. Inaccurately reports "past

1				due” amounts when debt
2				was discharged in
3				bankruptcy.
4				3. Inaccurately reports
5				account “in dispute” when
6				debt was discharged in
7				bankruptcy.
8				4. Inaccurately reports
9				delinquency start date when
10				debt was discharged in
11				bankruptcy.
12	ATLAS	XPN	...1262	1. Inaccurately reports
13	FINANCIAL			delinquency start date when
14				debt was discharged in
15				bankruptcy.
16				2. Inaccurately reports
17				account “in dispute” when
18				debt was discharged in
19				bankruptcy.
20				3. Inaccurately reports “past
21				due” amounts when debt
22				was discharged in
23				bankruptcy.
24				4. Inaccurately reports
25				“collection account” when
26				debt was discharged in
27				bankruptcy.
28	EOS CCA	XPN	...1930	1. Inaccurately reports

1			delinquency start date when
2			debt was discharged in
3			bankruptcy
4			2. Inaccurately reports
5			account "in dispute" when
6			debt was discharged in
7			bankruptcy.
8			3. Inaccurately reports "past
9			due" amounts when debt
10			was discharged in
11			bankruptcy.
12			4. Inaccurately reports
13			"collection account" when
14			debt was discharged in
15			bankruptcy.
16	TCM	XPN	1. Inaccurately reports
17	FINANCIAL	...6902	delinquency start date when
18			debt was discharged in
19			bankruptcy
20			2. Inaccurately reports
21			account "in dispute" when
22			debt was discharged in
23			bankruptcy.
24			3. Inaccurately reports "past
25			due" amounts when debt
26			was discharged in
27			bankruptcy.
28			4. Inaccurately reports

1				“collection account” when
2				debt was discharged in
3				bankruptcy.

4

5 *Credit Report Dispute*

6 18. When Plaintiff discovered these and other erroneous entries in her

7 credit reports, she contacted the CRA’s and requested they verify and delete the

8 erroneous information from her credit file.

9 19. On or about August 2011, the CRA’s made some corrections but did

10 not remove or amend any of the above-referenced errors.

11 20. Upon Plaintiff’s request for verification and deletion, and in

12 accordance with its standard procedures, the CRA’s did not evaluate or consider

13 any of Plaintiff’s information, claims or evidence and did not make any attempt to

14 substantially or reasonably verify the listings and representations from the

15 Creditors that lead to the above-referenced errors in Plaintiff’s credit report.

16 21. In the alternative to the allegation that the CRA’s failed to contact the

17 Creditors, it is alleged that the CRA’s did forward some notice of the dispute to the

18 Creditors and failed to conduct a lawful investigation.

19 **FIRST CLAIM FOR RELIEF**

20 **(Failure to Establish Proper Procedures – 15 U.S.C. § 1681e)**

21 22. Plaintiff realleges and incorporates paragraphs 1 through 21 above as if

22 fully set forth herein.

23 23. Defendants violated 15 U.S.C. § 1681e(b) by failing to establish or to

24 follow reasonable procedures to assure maximum possible accuracy in the

25 preparation of the credit report and credit files it published and maintains

26 concerning Plaintiff.

27 24. As a result of this conduct, action and inaction of Defendants, Plaintiff

28 suffered damages by loss of credit, loss of ability to purchase and benefit from

1 credit, the mental and emotional pain and anguish and the humiliation and
2 embarrassment of credit denials.

3 25. Defendants' conduct, action, and inaction was willful, rendering it
4 liable for punitive damages in an amount to be determined by the Court pursuant to
5 15 U.S.C. § 1681n. In the alternative, it was negligent, entitling Plaintiff to
6 recover under 15 U.S.C. § 1681o.

7 26. Plaintiff is entitled to recover attorney's fees from Defendants in an
8 amount to be determined by the Court pursuant to 15 U.S.C. § 1681n and/or §
9 1681o.

10 **SECOND CLAIM FOR RELIEF**

11 **(Failure to Reinvestigate – 15 U.S.C. § 1681i)**

12 27. Plaintiff realleges and incorporates paragraphs 1 through 21 above as if
13 fully set forth herein.

14 28. Defendants violated 15 U.S.C. § 1681i on multiple occasions by failing
15 to delete inaccurate information in Plaintiff's credit file after receiving actual
16 notice of such inaccuracies; by failing to conduct a lawful reinvestigation; by
17 failing to forward relevant information to the Creditors; failing to maintain
18 reasonable procedures with which to filter and verify disputed information in
19 Plaintiff's credit file; and by relying upon verification from a source it has reason
20 know is unreliable.

21 29. As a result of this conduct, action and inaction of Defendants, Plaintiff
22 suffered damages by loss of credit, loss of ability to purchase and benefit from
23 credit, the mental and emotional pain and anguish and the humiliation and
24 embarrassment of credit denials.

25 30. Defendants' conduct, action, and inaction was willful, rendering it
26 liable for punitive damages in an amount to be determined by the Court pursuant to
27 15 U.S.C. § 1681n. In the alternative, it was negligent, entitling Plaintiff to
28 recover under 15 U.S.C. § 1681o.

1 31. Plaintiff is entitled to recover attorney's fees from Defendants in an
2 amount to be determined by the Court pursuant to 15 U.S.C. § 1681n and/or §
3 1681o.

4 **DEMAND**

5 WHEREFORE, Plaintiff demands judgment for compensatory and punitive
6 damages against Defendants, jointly and severely; for her attorney's fees and costs;
7 for pre-judgment and post-judgment interest at the legal rate; and such other relief
8 the Court deems just, equitable, and proper.

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10
11 DATED: February 27, 2012

CENTURY LAW GROUP LLP

12
13 By: _____

14 Edward O. Lear
15 Attorneys for Plaintiff
16 KRISTEN ROLAND
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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial of this action.

DATED: February 27, 2012

CENTURY LAW GROUP LLP

By: _____

Edward O. Lear
Attorneys for Plaintiff
KRISTEN ROLAND